

# HINSHAW

& CULBERTSON LLP

US EPA RECORDS CENTER REGION 5



436061

March 7, 2012

**VIA UPS OVERNIGHT**

Ms. Michelle Kerr,  
Remedial Project Manager  
U.S. Environmental Protection Agency  
Superfund Division  
77 W. Jackson Blvd., SR-6J  
Chicago, IL 60604

**ATTORNEYS AT LAW**

222 North LaSalle Street  
Suite 300  
Chicago, IL 60601-1081

312-704-3000

312-704-3001 (fax)

www.hinshawlaw.com

Re: **Fresno Valves & Castings, Inc.** Response to Information Request  
for the Chemetco Superfund Site in Hartford, Illinois

Dear Ms. Kerr:

On behalf of our client, Fresno Valves & Castings, Inc. (Fresno), we are submitting Fresno's response to the Information Request required by USEPA pursuant to the General Notice Letter dated November 30, 2011 to Fresno. As per your call to me on January 27, 2012 and my follow-up e-mail confirmation to you dated February 7, 2012, Fresno is submitting a copy of the Response previously submitted to the Illinois Environmental Protection Agency (IEPA) on June 27, 2008, in lieu of answers to the Information Request presented by the U.S. EPA in Enclosure 7 of the General Notice Letter. Fresno greatly appreciates your fairness in this regard, as it has made the response process more economical.

This submittal on behalf of Fresno is timely, as you granted, by your e-mail dated January 18, 2012 with the subject line "UPDATE From U.S. EPA: Chemetco Superfund Site", an additional one-month blanket extension for responding to the Information Request to March 3, 2012. In addition, in your e-mail dated February 24, 2012 with the subject line "UPDATE From U.S. EPA: Chemetco Superfund Site v.5", a second blanket extension for responding to the Information request to May 4, 2012 was granted. We appreciate the courtesy of these extensions.

I enclose a Claim Letter respecting confidentiality pursuant to USEPA regulations on confidentiality of business information (40 CFR §2.201 et seq.). The actual response for which confidentiality is claimed is in the large binder enclosed in an envelope, per the regulations. The large binder is Fresno's full State of Illinois Response. We suggest you refer to the letter that is at Tab 14 in the large binder. That letter is a copy of the response letter to the State of Illinois EPA. Documents for which confidentiality is claimed are marked to show trade secrecy claimed. The smaller binder enclosed herewith contains the non-confidential portion of the response, with the trade secret information removed or redacted.

130277347v1 0888105

Arizona California Florida Illinois Indiana Massachusetts Minnesota Missouri New York Oregon Rhode Island Wisconsin

Ms. Michelle Kerr  
March 7, 2012  
Page 2

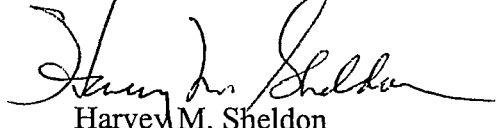
For clarity as to what the response letter addresses, Attachment B, which is behind Fresno's response letter at Tab 14, is a copy of the Questions from Illinois EPA addressed by the response letter.

You will note that Fresno has claimed confidentiality of process information and shipment details. We contemplate that some of this confidential information may need to be revealed to facilitate any joint efforts of PRPs. With proper safeguards in place for such a process at a future time, Fresno will likely be amenable to safeguarded disclosure under controlled conditions.

Should there be any questions or needed follow-up, please contact the undersigned, rather than the client.

Sincerely,

HINSHAW & CULBERTSON LLP



Harvey M. Sheldon  
hsheldon@hinshawlaw.com

HMS:dbm  
Enclosures

cc: Mr. Kevin Follansbee, Fresno Valves & Castings, Inc.

## **Fresno Valves & Castings, Inc.**

7736 East Springfield Ave.  
P.O. Box 40 Selma, CA 93662-0040  
(559) 834-2511 Fax (559) 834-2017  
www.fresnovalves.com



Valves & Castings, Inc.

March 2, 2012

Contains Trade Secrets, Proprietary  
Information, and is Company  
Confidential

**VIA CERTIFIED MAIL,**  
**RETURN RECEIPT REQUESTED**

Ms. Michelle Kerr,  
Remedial Project Manager  
U.S. Environmental Protection Agency  
Superfund Division  
77 W. Jackson Blvd., SR-6J  
Chicago, IL 60604

Re: Claim of Confidential Business Information  
Information Request for the Chemetco Superfund Site in Hartford,  
Illinois Included as Part of General Notice dated November 30,  
2011

Dear Ms. Kerr:

Pursuant to 40 C.F.R. Part 2, Section 200 et seq. and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, (CERCLA) Section 104(e)(7) Fresno Valves & Castings, Inc. hereby submits its claim letter asserting a business confidentiality claim regarding the Answers to the Information Request for the Chemetco Superfund Site in Hartford, Illinois.

We allege that the following portions of the information are entitled to confidential treatment:

1. Tabs 1, 2, and 3 of the large binder, which contain information related to the materials sold by Fresno Valves & Castings, Inc. to Chemetco including shipping documents, invoice registers and invoices.
  - a. **The period of time for which confidential treatment is desired by the business (e.g., until a certain date, until the occurrence of a specified event, or permanently).** In the event we become members of a joint defense group, we expect that some limited aspects of this information will be shared with the other members of the group. We think it is best, however, to save determinations of potential disclosure of confidential business information to a later date. Since these tabs contain information about proprietary business processes, volumes of materials produced, and competitive pricing, it is appropriate to keep this information from the general public and from actual and potential competitors (past, present,

and future). We request that this information be kept from the general public in perpetuity.

- b. **Measures taken by the business to guard against undesired disclosure of the information to others.** These documents are kept on site in a secure location. The only other copies of the information which are available are located with our legal counsel, in Chicago, and with the Illinois EPA, for which we have claimed trade secrets under 35 IAC 130.200(b).
- c. **The extent to which the information has been disclosed to others, and the precautions taken in connection therewith.** This information was previously submitted to the Illinois Environmental Protection Agency on June 27, 2008. At that time, two copies were submitted, one which contained the documents contained herein, and one, a public copy, which claimed trade secrets and redacted all of the information for which we now request confidentiality.
- d. **Pertinent confidentiality determinations, if any, by EPA or other Federal agencies, and a copy of any such determination, or reference to it, if available.** Neither the EPA nor any other federal agency has made a pertinent determination on the confidentiality of the information submitted.
- e. **Whether the business asserts that disclosure of the information would be likely to result in substantial harmful effects on the business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.** Disclosure of this information would be likely to result in substantial harmful effects on the business' competitive position. This information includes data on materials which are specific to and may reveal details about the proprietary processes at the Fresno Valves & Castings Inc. facility in Selma, California. If competitors or potential competitors obtain this information, they will be able to use it to better their own position within the industry, and subsequently harm our current position within the industry. The harmful effects would be competitive advantage in the marketplace and thus threaten the economic viability of the business. These effects are substantial because businesses in competitive industries, such as ours, rely upon competitive advantage to survive. If others obtain proprietary information of ours, it would be detrimental to our business moving forward.
- f. **Whether the business asserts that the information is voluntarily submitted information as defined in 40 C.F.R. § 2.201(i), and if so, whether and why disclosure of the information would tend to lessen**

the availability to EPA of similar information in the future. Per 40 C.F.R Part 2, § 2.310(e), no information submitted to the EPA under section 104 of CERCLA is voluntarily submitted information.

- g. **Any other information that you deem relevant to a determination of confidentiality.**
2. Tabs 7, 8, 9, 10, 11, 12, and 13 of the large binder, which contain summaries and relevant pages of Fresno Valves & Castings, Inc.'s insurance policies from the years 1997 through 2002.
- a. **The period of time for which confidential treatment is desired by the business (e.g., until a certain date, until the occurrence of a specified event, or permanently).** We request that this information be kept from the general public in perpetuity.
  - b. **Measures taken by the business to guard against undesired disclosure of the information to others.** These documents are kept on site in a secure location. The only other copies of the information which are available are located with our legal counsel, in Chicago, with the insurers themselves, and with the Illinois EPA, for which we have claimed trade secrets under 35 IAC 130.200(b)
  - c. **The extent to which the information has been disclosed to others, and the precautions taken in connection therewith.** This information was previously submitted to the Illinois Environmental Protection Agency on June 27, 2008. At that time, two copies were submitted, one which contained the documents contained herein, and one, a public copy, which claimed trade secrets and redacted all of the information for which we now request confidentiality.
  - d. **Pertinent confidentiality determinations, if any, by EPA or other Federal agencies, and a copy of any such determination, or reference to it, if available.** Neither the EPA nor any other federal agency has made a pertinent determination on the confidentiality of the information submitted.
  - e. **Whether the business asserts that disclosure of the information would be likely to result in substantial harmful effects on the business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.** Disclosure of this information would be likely to result in substantial harmful effects on the business' competitive position. The information would permit third party competitors to learn about our proprietary processes and/or insurance coverage. It is of paramount importance that

the policy limits and premiums be kept confidential. If policy terms or limits are disclosed, it has the potential to open the business to sham claims against the business from those seeking to reap the reward of the business' policy. In addition, it is important to keep insurance premiums confidential, to ensure that future policies are quoted in a competitive fashion. The harmful effects of disclosure of this insurance information would be unlimited exposure to fraudulent insurance claims and unbiased evaluations of future insurance policies. These effects are substantial because the effect the viability of our business to exist. The causal relationship between disclosure and the effects is direct.

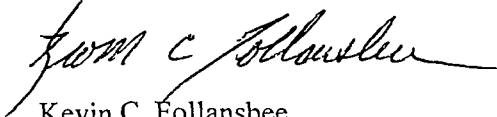
- f. **Whether the business asserts that the information is voluntarily submitted information as defined in 40 C.F.R. § 2.201(i), and if so, whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.** Per 40 C.F.R Part 2, § 2.310(e), no information submitted to the EPA under section 104 of CERCLA is voluntarily submitted information.
  - g. **Any other information that you deem relevant to a determination of confidentiality.**
3. Portions of the Answers to the Information Request Itself including: the names of certain personnel; personal addresses and phone numbers; details about the types of documents consulted (for those documents which are described above); confidential business policies and procedures; details related to materials shipped to the Chemetco Site; insurance information; and transactions and agreements with Chemetco.
- a. **The period of time for which confidential treatment is desired by the business (e.g., until a certain date, until the occurrence of a specified event, or permanently).** We request that this information be kept from the general public in perpetuity.
  - b. **Measures taken by the business to guard against undesired disclosure of the information to others.** The only copies of the un-redacted information are located in a secure location on site, with our legal counsel, in Chicago, and with the Illinois EPA, for which we have claimed trade secrets under 35 IAC 130.200(b).
  - c. **The extent to which the information has been disclosed to others, and the precautions taken in connection therewith.** This information was previously submitted to the Illinois Environmental Protection Agency on June 27, 2008. At that time, two copies were submitted, one which contained the documents contained herein, and one, a public copy, which claimed trade secrets and redacted all of the information for which we now request confidentiality.

- d. **Pertinent confidentiality determinations, if any, by EPA or other Federal agencies, and a copy of any such determination, or reference to it, if available.** Neither the EPA nor any other federal agency has made a pertinent determination on the confidentiality of the information submitted.
- e. **Whether the business asserts that disclosure of the information would be likely to result in substantial harmful effects on the business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.** Disclosure of the information would be likely to result in substantial harmful effects on the business' competitive position. We normally keep private personal information on our personnel. This helps limit their potential exposure to malevolent third party intrusions or practices. The harmful effects include potential harassment of current and former employees in their homes and on their personal time; negative business effects related to the disclosure of materials and insurance information as detailed above; and negative business effects incurred by the disclosure of confidential business policies and procedures. Internal policies and procedures are they key to running a unique and viable business. These effects should be viewed as substantial because if competitors knew what our business' internal policies and procedures included, they could adopt them and gain our competitive advantage. In addition, harassment of current and former employees outside of the workplace would have a detrimental effect on worker efficiency and our ability to retain top employees. The causal relationship between disclosure of this information and the harmful effects is direct.
- f. **Whether the business asserts that the information is voluntarily submitted information as defined in 40 C.F.R. § 2.201(i), and if so, whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.** Per 40 C.F.R Part 2, § 2.310(e), no information submitted to the EPA under section 104 of CERCLA is voluntarily submitted information.
- g. **Any other information that you deem relevant to a determination of confidentiality.**

Ms. Michelle Kerr  
March 2, 2012  
Page 6

Please advise our counsel, Mr. Harvey Sheldon, Hinshaw & Culbertson LLP, should you need further information from our Company. Mr. Sheldon can be reached via telephone at (312) 704-3000 and via email at [hsheldon@hinshawlaw.com](mailto:hsheldon@hinshawlaw.com). We shall endeavor to provide answers as appropriate.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin C. Follansbee", written over a horizontal line.

Kevin C. Follansbee  
Chief Financial Officer

cc: Harvey M. Sheldon, Esq.  
Dana B. Mehlman, Esq.

Enclosures as stated.



**REDACTED**

**Documents Provided by Fresno Valves & Castings, Inc.  
In connection with the Illinois Environmental Protection  
Agency's**

**Request for Information dated February 22, 2008**

**Site: 1198010003 – Madison County**

**Chemetco Site**

**ILD 048 843 809**

**Hartford/Madison County**

**Superfund/Technical Reports**

**. PUBLIC COPY .**

**Copy Dated March 7, 2012 of  
Materials Submitted to Illinois EPA in  
June 2008**

[REDACTED]

[REDACTED]

[REDACTED]

**3**

[REDACTED]

**4**

Business cards and contact information  
for personnel with possible information

[REDACTED]

Correspondence with counsel regarding  
Chemtco payments near bankruptcy

**6**

US EPA's inspection report & findings  
letter regarding Selma plant visit

**7**

[REDACTED]

**8**

[REDACTED]

**9**

[REDACTED]

**10**

[REDACTED]

**11**

[REDACTED]

**12**

[REDACTED]

**13**

[REDACTED]

**14**

Copy of FVC's response to Illinois EPA's  
2/22/2008 Request for Information

**15**

This Tab not used











CONFIDENTIAL  
NOTES  
REDACTED

Gave the  
audit here  
(Selma, CA)

Also Dennis Meyer  
with Chemetco  
now with Total,  
866-470-5763

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
Worked for Chemetco  
now deceased

Trading arm  
of Chemetco

[REDACTED]  
[REDACTED]



ENVIRONMENTAL  
PROTECTION AGENCY

Ronald Brown  
Enforcement Officer  
RCRA Enforcement Office (WST-3)

Waste Management Division  
USEPA, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105-3901  
Telephone: (415) 772-3292  
Fax: (415) 947-3530  
E-mail: brown.ron@epa.gov  
Printed with soy ink on 100% postconsumer recycled paper process chlorine free

**Chemetco**  
FIRST IN - PEOPLE - QUALITY - SERVICE

DUANE McVEY  
SENIOR BUYER  
P.O. BOX 8 (3578 CHEMETCO LANE), HARTFORD, IL 62048  
FAX NUMBER (618) 254-7502  
TEL (800) 444-5584 EXT 312 (800) 851-5004

Tom Butler

40  
03

**TOTAL Metal Recycling**  
2684 Missouri Avenue  
Granite City, IL 62040  
E-Mail: tom.butler@tmrusa.com  
Toll Free 866 470 5763  
Local 618 877 0585  
Fax 618 877 0591  
Mobile 314 662 1218

**concorde**  
trading company

BUYERS OF NON-FERROUS SCRAP AND CONVERTERS

JANICE BIRGE  
MARKET MANAGER

(800) 368-2673  
FAX (602) 272-8213 (602) 272-8088

34 N. 45TH AVE. SUITE E & F PHOENIX, AZ 85043

**Chemetco**  
FIRST IN - PEOPLE - QUALITY - SERVICE

PETER A. BODEN

16400 LATHROP  
HARVEY IL 60428

800-544-4345  
(708) 339-0265  
FAX (708) 339-0338





## CONTACT US

TOTALL Metal Recycling  
2684 Missouri Avenue  
Granite City, IL 62040

Toll Free: 866.470.5763  
Local 618 877 0585  
Fax 618 877.0591  
E-Mail: [info@tmrusa.com](mailto:info@tmrusa.com)

Click here for a map and  
driving directions to  
TOTALL Metal Recycling

Tony Carey  
618 877 0585 ext 227  
618 877 0591 fax  
[tonycarey@tmrusa.com](mailto:tonycarey@tmrusa.com)

Dennis Meyer  
618 877 0585 ext 225  
618 877 0591 fax  
[dennismeyer@tmrusa.com](mailto:dennismeyer@tmrusa.com)

Kip Pabst  
618 877 0585 ext 233  
618 877 0591 fax  
[kippabst@tmrusa.com](mailto:kippabst@tmrusa.com)

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TOTALL Metal Recycling  
2684 Missouri Avenue  
Granite City, IL 62040  
(618) 877-0585 P  
(618) 877-0591 F  
(866) 470-5763

*4/08 Internet  
Search  
Reference*



2

## Fresno Valves & Castings, Inc.

7736 East Springfield Ave.  
P.O. Box 40 Selma, CA 93662-0040  
(559) 834-2511 Fax (559) 834-2017  
[www.fresnovalves.com](http://www.fresnovalves.com)



October 1, 2002

Laura K. Grandy  
Mathis, Marifian, Richter & Grandy Ltd  
720 West Main Street, Suite 100  
Belleville, IL 62220

Dear Ms. Grandy,

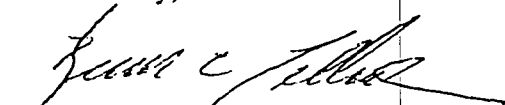
We are in receipt of your letter dated September 17, 2002, in connection with the bankruptcy filing of Chemetco, Inc. In that letter, you indicate that, in connection with the bankruptcy proceedings, you are investigating potential preferential payments made by Chemetco within the 90 days preceding their petition date. With regard to Fresno Valves & Castings, you had identified two such payments. One payment was in the amount of \$1,448.20 dated August 16, 2001 and the second was in the amount of \$1,737.84 and it was dated September 11, 2001.

It is our position that both of these payments were made in a manner consistent with the ordinary course of dealing between Fresno Valves & Castings and Chemetco and that our course of dealing was ordinary in relation to an objective industry standard. The two specific invoices paid by Chemetco to Fresno Valves & Castings during the 90-day period described above were for materials sold by Fresno Valves & Castings to Chemetco in the same manner and for the same materials as had been our common, mutual business practice.

Enclosed are copies of the specific invoices, bills of lading and weigh tickets in support of the amounts paid by Chemetco. Our invoice number 1302-0 was dated July 20, 2001 for product that was shipped on July 12, 2001. According to your records, Chemetco paid that invoice on August 16, 2001 which was in keeping with the net 30-day payment terms as stated on our invoice. Our invoice number 1820-0 was dated August 10, 2001 for product that was shipped on August 7, 2001. That invoice was paid on September 11, 2001, which is also in terms with our net 30-day payment terms.

If you should have any continuing questions, comments or concerns regarding our position that the payments made by Chemetco to Fresno Valves & Castings Inc during the 90-day pre-petition period were not preference payments, please do not hesitate to contact me.

Sincerely,



Kevin C. Follansbee  
Chief Financial Officer



MATHIS · MARIFIAN  
RICHTER & GRANDY, LTD.

ATTORNEYS AT LAW

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Belleville, IL 62220

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Patrick B. Mathis  
George E. Marifian  
Kevin J. Richter  
Laura K. Grandy  
Kevin J. Stine  
Mark J. Stegman  
T. Bradford Waltrip  
Mark S. Schuver  
Kurt S. Schroeder  
William J. Niehoff  
Lorraine K. Cavataio

September 17, 2002

Kelli E. Madigan  
Mary E. Lopinot  
Deanna L. Litzenburg  
Amy L. Pauls

Fresno Valve & Casting  
P.O. Box 40  
Selma, CA 93662

RE: Chemetco, Inc./ BK 01-34066

Dear Sir or Madam:

On November 13, 2001 (the "Petition Date"), Chemetco, Inc. (the "Debtor") filed a petition for relief under Chapter 7 of the United States Bankruptcy Code in the Bankruptcy Court for the Southern District of Illinois. Laura K. Grandy (the "Trustee") is the Trustee appointed by the U.S. Department of Justice, Office of the United States Trustee, to administer the liquidation of Chemetco's bankruptcy estate. Our firm represents the Trustee in the administration of this bankruptcy estate.

The Bankruptcy Code empowers the Trustee to avoid and recover certain transfers and payments made by the Debtor during the 90 days immediately preceding the Petition Date (the "Preference Period") as a preferential payment made by Debtor. After reviewing the Debtor's records, we have determined that during the Preference Period, your company received transfers from the Debtor in the amount of amounts \$3,186.04. A schedule of these payments is enclosed in this letter. It is the Trustee's position that these transfers are avoidable preferences under Section 547(b) of the Bankruptcy Code.

You may be entitled to various affirmative defenses under Section 547(c) of the Bankruptcy Code. Such potential defenses are: (i) the payments were part of a contemporaneous exchange transaction; (ii) the payments were made in a manner consistent with the ordinary course of dealing between your company and the debtor and that your course of dealing was ordinary in relation to an objective industry standard; and (iii) your company provided subsequent credit or "new value" to the debtor. You are required to prove those defenses, however, and until you do so, the Trustee is required by the Bankruptcy Code to seek recovery of the full amount of the avoidable transfers from you. If you believe you have an affirmative defense, please provide written evidence of same.

We expect a written response or payment in full within twenty (20) days of the date of this letter. If we do not hear from you during that time, we will be required to file suit against you in the Bankruptcy Court in East St. Louis, Illinois. If we do have to file suit against you, we will seek to recover the full amount of the avoidable transfers, as well as interest and attorney's fees. In addition, until the avoidable transfers have been recovered, the Bankruptcy Code

September 17, 2002

Page 2

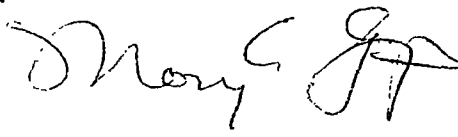
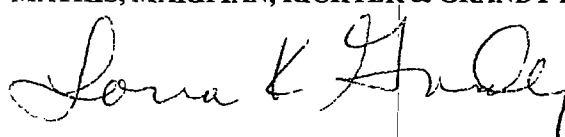
prohibits your company from sharing in any distributions to creditors, even for proofs of claim already filed.

Once these avoidable transfers are paid in full, you will be entitled to file a proof of claim for these amounts recovered by the Trustee or amend an existing proof of claim for such amounts and participate in distributions to creditors, if any, once the claim is allowed.

Thank you for your attention to this matter. You may contact me if you have any questions or wish to discuss this matter.

Very truly yours,

**MATHIS, MARIFIAN, RICHTER & GRANDY LTD.**



By: Laura K. Grandy  
Mary E. Lopinot

MEL/ac

Enclosure

CHEMETCO INC. / BK 01-34066

PAYEE

Fresno Valve & Casting

Fresno Valve & Casting

**Grand Total**

CHECK # DATE

4634 8/16/01

4665 9/11/01

AMOUNT

\$ 1,448.20

\$ 1,737.84

\$ 3,186.04



INVOICE NO M01 1820-0  
PAGE 1  
DATE 08/10/01  
SALESMAN  
INVOICE TYPE: Invoice

B  
I  
L  
L  
T  
O

1398  
CHEMETCO L.A.  
2136 S. GARFIELD AVE  
COMMERCE CA 90040  
USA

S  
H  
I  
P  
T  
O

ORDER#	P.O. NUMBER	PKGS	PPD	WEIGHT	SHIP VIA	TERMS
LINE/REL.	QTY. ORDERED	QTY. SHIPPED	QTY. BACK ORDERED	UNIT PRICE	EXTENDED PRICE	

Shipment of 8-7-01  
Contract #5702

Remit To: P.O. Box 40  
Selma, CA 93662-0040  
(800) 333-1658  
(559) 834-2017 Fax

ORIGINAL INVOICE

SALES AMOUNT	1,759.02
MISC CHG	0.00
FREIGHT	0.00
SALES TAX	0.00
PREPAID	
TOTAL	1,759.02



P.04/04

**E. SPRINGFIELD • SELMA, CA 93882 • (559) 834-2511**

(SS9) 834-2017<sup>21</sup>

№ 26209

**SHIPPED TO**

**ADDRES**

CITY

574

ATTN: LEIGH

DATE	8/7/01
YOUR ORDER NO	
SHIP DATE	
DATE SHIPPED	8/7/01
OUR ORDER NO	

QUANTITY ORDERED	QUANTITY SHIPPED	DESCRIPTION	PRICE	AMOUNT
2,509	NET	SAND SYSTEM DUST	.001	12.5112, 505
6772	NET	GRINDING DUST	.13	880.36 6, 772
2,723	NET	SLAG	.07	855.12 12, 216
2-162	NET	CONTAM. GRINDING	.001	2.46 2, 462
3860	NET	RECLAIMER SLURRY DUST	.001	3.86 3, 858
4778	NET	SUPER 7 BROWN HILL BRATON	.001	4.77 4, 706
		#5702		

**DRY**

TOTAL

1759	0.2
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TOTAL F. 24

Date: 08/07/01

Shipper Num: 26209

Carrier Num: TRUCK #33

FDB:

```

      Num: 154
      Carrier: WHIPPLE TRUCKING
      Veh:
      Date:

```

insignor  
Fresno Valves & Castings  
P.O. Box 40  
7736 E. Springfield Ave.  
Selma CA 93662-0440  
USA

1 Consignee  
1 CHEMETCO  
1 2136 SOUTH GARFIELD  
1 COMMERCE CA 90040  
1 USA

pvoicee

Special Instructions

Order Value	
1	0.00

1 Shipper Per:

[illegible]

ot Weight:	42,554.0	IFreight	Charges	(Collect)
Packages:	18	1	COD Fee	

COD Amt:	0.00	Total Charges:	0.00
----------	------	----------------	------

Carrier: WHIPPLE TRUCKING  
PER:  
Date: 08/07/01

|Carrier  
 |Signature:  
 |Date:

f this shipment is to be delivered to the consignee without recourse on the consignor, the consignor shall sign the following statement:  
The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges.

(Signature of Consignor)

8/7/01  
(Signature Date)



Valves & Castings, Inc.

7736 E. SPRINGFIELD, SELMA, CA 93662  
(559) 834-2511

CUSTOMER CHENETCO DATE 8/7/01

INV. NO. \_\_\_\_\_ PART SUPER 7  
BIG WHEEL

2618.5 lb GR  
78.0 lb TA  
2540.5 lb NT  
Quantity 0  
0.00000000 lbs Unit Weight

2613.0 lb GR SHIP BY fly



Valves & Castings, Inc.

7736 E. SPRINGFIELD, SELMA, CA 93662  
(559) 834-2511

CUSTOMER CHEMETCO DATE 8/7/01

INV. NO. \_\_\_\_\_ PART Super 7  
BIG WHEELAR

2238.0 lb GR  
70.0 lb TA  
2188.0 lb NT  
Quantity 0  
0.00000000 lbs Unit Weight

SHIP BY Hy



Valves & Castings, Inc.

7736 E. SPRINGFIELD, SELMA, CA 93662  
(559) 834-2511

CUSTOMER

HEMETCO DATE 8/7/01

INV. NO.

PART

RECLAIMER  
SILICA DUST

2117.5 lb GR

80.0 lb TA

2037.5 lb NT

Quantity

0

0.00000000 lbs Unit Weight

SHIP BY

H9



Valves & Castings, Inc.

7736 E. SPRINGFIELD, SELMA, CA 93662  
(559) 834-2511

CUSTOMER

*HERNANDEZ*

DATE

*8/7/01*

INV. NO.

PART

*RECLAIMER*

*SINO & DUST*

1904.0 lb GR

81.0 lb TA

1823.0 lb NT

Quantity

0

0.00000000 lbs Unit Weight

SHIP BY

*M4*



Valves & Castings, Inc.

7736 E. SPRINGFIELD, SELMA, CA 93662  
(559) 834-2511

CUSTOMER

*CHENSTCO*

DATE

*8/7/01*

INV. NO.

PART

*Centric*  
*Grinding*

2535.0 lb GR  
73.0 lb TA  
2462.0 lb NT  
Quantity 0  
0.00000000 lbs Unit Weight

SHIP BY

*My*



Valves & Castings, Inc.

7736 E. SPRINGFIELD, SELMA, CA 93662  
(559) 834-2511

CUSTOMER

*Cheney*

DATE

*8/7/01*

INV. NO.

PART

*SLAG*

2641.0 lb GR

82.0 lb TA

2559.0 lb NT

Quantity 0

0.00000000 lbs Unit Weight

SHIP BY

*SLG*





Valves & Castings, Inc.

7736 E. SPRINGFIELD, SELMA, CA 93662  
(559) 834-2511

CUSTOMER

*Pittman*

DATE

*8/7/01*

Gross ~~INV. NO. 3569.0 lb~~ PART *SLAG*  
Tare 84.0 lb  
Net 3485.0 lb  
Count \*\*\*\*\* Pieces  
Piece Weight 0.000000 lb  
Sample Size 0 Pieces

SHIP BY

*SLC*



**FRESNO**

Valves & Castings, Inc.

7736 E. SPRINGFIELD, SELMA, CA 93662  
(559) 834-2511

CUSTOMER

Chem-Tec

DATE

8/7/01

INV. NO.

PART

SLAG

3123.0 lb GR

92.0 lb TA

3031.0 lb NT

Quantity 0

0.00000000 lbs Unit Weight

SHIP BY

4/7



Valves & Castings, Inc.

7736 E. SPRINGFIELD, SELMA, CA 93662  
(559) 834-2511

CUSTOMER CHENETCO DATE 8/7/01

INV. NO. \_\_\_\_\_ PART SLAG

3246.0 lb GR	
98.0 lb TA	
3148.0 lb NT	
Quantity	0
0.00000000 lbs	Unit Weight

SHIP BY MLY



Valves & Castings, Inc.

7736 E. SPRINGFIELD, SELMA, CA 93662  
(559) 834-2511

CUSTOMER

FRESNO DATE 8/7/01

INV. NO.

PART

GRINDING  
DVSF

Gross 3913.0 lb  
tare 85.0 lb  
net 3828.0 lb  
count \*\*\*\*\* Pieces  
piece Weight 0.000000 lb  
sample Size 0 Pieces

SHIP BY

M/9



Valves & Castings, Inc.

7736 E. SPRINGFIELD, SELMA, CA 93662  
(559) 834-2511

CUSTOMER NEWETAD DATE 8/7/01

INV. NO. \_\_\_\_\_ PART GRINDING  
DUST

3022.0 lb GR  
78.0 lb TA  
2944.0 lb NT  
Quantity 0  
0.00000000 lbs Unit Weight

SHIP BY HY



Valves & Castings, Inc.

7736 E. SPRINGFIELD, SELMA, CA 93662  
(559) 834-2511

CUSTOMER

*P. Medrano*

DATE

*8/7/01*

INV. NO.

PART

*SAND SYSTEM  
DUST*

1771.0 lb GR

94.0 lb TA

1677.0 lb NT

Quantity 0

0.00000000 lbs Unit Weight

SHIP BY

*Hy*



Valves & Castings, Inc.

7736 E. SPRINGFIELD, SELMA, CA 93662  
(559) 834-2511

CUSTOMER

CHENETCO

DATE

8/7/01

INV. NO.

PART

SLAG

SAND SYSTEM  
DISC

1840.5 lb GR

79.0 lb TA

1761.5 lb NT

Quantity 0

0.00000000 lbs Unit Weight

SHIP BY

HL



Valves & Castings, Inc.

7736 E. SPRINGFIELD, SELMA, CA 93662  
(559) 834-2511

CUSTOMER CHUMETCO DATE 8/7/01  
INV. NO. \_\_\_\_\_ PART SAND SYSTEM  
DUST

1960.5 lb GR  
82.0 lb TA  
1878.5 lb NT  
Quantity 0  
0.00000000 lbs Unit Weight

SHIP BY HY





Valves & Castings, Inc.

7736 E. SPRINGFIELD, SELMA, CA 93662  
(559) 834-2511

CUSTOMER ALBERTO DATE 8/7/01

INV. NO. \_\_\_\_\_ PART SAND SYSTEM  
DUST

1995.0 lb GR  
87.0 lb TA  
1908.0 lb NT  
Quantity 0  
0.00000000 lbs Unit Weight

SHIP BY HL



Valves & Castings, Inc.

7736 E. SPRINGFIELD, SELMA, CA 93662  
(559) 834-2511

CUSTOMER PREMETCO DATE 8/7/01

INV. NO. \_\_\_\_\_ PART SCWD SYSTEM D3

2031.0 lb GR  
80.0 lb TA  
1951.0 lb NT  
Quantity 0  
0.00000000 lbs Unit Weight

SHIP BY SLY



Valves & Castings, Inc.

7736 E. SPRINGFIELD, SELMA, CA 93662  
(559) 834-2511

CUSTOMER

HEMETCO

DATE

8/7/01

INV. NO.

PART

SEND SYSTEM

DUST

1576.5 lb GR

85.0 lb TA

1491.5 lb NT

Quantity 0

0.00000000 lbs Unit Weight

SHIP BY

AY



Valves & Castings, Inc.

7736 E. SPRINGFIELD, SELMA, CA 93662  
(559) 834-2511

CUSTOMER HEMETCO DATE 8/17/01

INV. NO. \_\_\_\_\_ PART SLUD SYSTEM  
DUST

1921.5 lb GR  
78.0 lb TA  
1843.5 lb NT  
Quantity 0  
0.00000000 lbs Unit Weight

SHIP BY H/7



INVOICE NO M01 1302-0  
PAGE 1  
DATE 07/20/01  
SALESMAN  
INVOICE TYPE: Invoice

B  
I  
L  
L  
T  
O

1398  
CHEMETCO L.A.  
2136 S. GARFIELD AVE  
COMMERCE CA 90040  
USA

S  
H  
I  
P  
T  
O

ORDER#	P.O. NUMBER	PKGS	PPD	WEIGHT	SHIP VIA	TERMS
						Net 30
LINE/REL.	QTY. ORDERED	QTY. SHIPPED	QTY. BACK ORDERED	UNIT PRICE	EXTENDED PRICE	

Shipment of 7/12/01  
Contract #4298

Remit To: P.O. Box 40  
Selma, CA 93662-0040  
(800) 333-1658  
(559) 834-2017 Fax

ORIGINAL INVOICE

SALES AMOUNT	1,447.88
MISC CHG	0.00
FREIGHT	0.00
SALES TAX	0.00
PREPAID	
TOTAL	1,447.88

2138874149 P.03/03 P.01



738 E. SPRINGFIELD • SELMA, CA 93862 • (659) 834-2511

(559) 837  
2017

№ 26196

SHIP TO CHEMESCO  
ADDRESS 2136 SOUTH GARTFIELD  
CITY DEANERD Id 90050  
VIA WILLIAMS TRUCKING

DATE
YOUR ORDER NO.
SHIP DATE
DATE SHIPPED
OUR ORDER NO.

QUANTITY ORDERED	QUANTITY SHIPPED	DESCRIPTION	PRICE	AMOUNT	
7876	NFT	SLAG	.08	1427.76	847
5382	NFT	CONTA. GRINDING	.001	5.38	325
6738	NFT	TRIDAMER SILICA DUST	.001	6.73	731
2676	NFT	TBRG SMALL WHEELAB.	.001	2.67	672
5353	NFT	SAND SYSTEM DUST	.001	5.35	337
ATTN: LEIGH					
# 4298					

43 RV

TOTAL

TOTAL F.I.F.

Page: 1 of 1

Shipper Num:  
Carrier Num:  
FOB:

1 Consignee  
1 CHEMETCO  
1 2136 SOUTH GARFIELD  
1 COMMERCE CA 90040  
1 USDA

Special Instructions

Order Value	
1	0.00

1 Shipper Per:

ot Weight:	38,025.0	Freight Charges	(Collect)
Packages:	17	COD Fee	
COD Amt:	0.00	Total Charges:	0.00

Carrier  
Signature:  
Date:

(Signature of Consignor)

7, 12, 01  
(Signature Date)



Valves & Castings, Inc.

7736 E. SPRINGFIELD, SELMA, CA 93662  
(559) 834-2511

CUSTOMER HEMETCO DATE 7/12/01  
INV. NO. \_\_\_\_\_ PART Crown  
DUS

3259.5 lb GR  
78.0 lb TA  
3181.5 lb NT  
Quantity 0  
0.0000000 lbs Unit Weight

SHIP BY Hy





Valves & Castings, Inc.

7736 E. SPRINGFIELD, SELMA, CA 93662  
(559) 834-2511

CUSTOMER HEMETCO DATE 7/2/01  
INV. NO. \_\_\_\_\_ PART TBR6  
SMALL WHEEL

2759.5 lb GR  
83.0 lb TA  
2676.5 lb NT  
Quantity 0  
0.00000000 lbs Unit Weight

SHIP BY HY



Valves & Castings, Inc.

7736 E. SPRINGFIELD, SELMA, CA 93662  
(559) 834-2511

CUSTOMER CHEMETCO DATE 7/12/01  
INV. NO. \_\_\_\_\_ PART RECLAIMER  
SILICA DUST

1607.5 lb GR  
83.0 lb TA  
1524.5 lb NT  
Quantity 0  
0.00000000 lbs Unit Weight

SHIP BY Hy



**FRESNO**

Valves & Castings, Inc.

7736 E. SPRINGFIELD, SELMA, CA 93662  
(559) 834-2511

CUSTOMER

New 9500

DATE

7.2/01

INV. NO.

PART

REPAIR  
SHOCK

1743.5 lb GR

87.0 lb TA

1656.5 lb HT

Quantity 0

0.00000000 lbs Unit Weight

SHIP BY

1/4



Valves & Castings, Inc.

7736 E. SPRINGFIELD, SELMA, CA 93662  
(559) 834-2511

CUSTOMER CHENETCO DATE 7/12/01

INV. NO. \_\_\_\_\_ PART SILICA DUST  
RECLAIMER

1811.0 1b GR

99.0 1b TA

1712.0 1b NT

Quantity 0

0.00000000 1bs Unit Weight

SHIP BY HY



Valves & Castings, Inc.

7736 E. SPRINGFIELD, SELMA, CA 93662  
(559) 834-2511

CUSTOMER Alameda DATE 7/2/01

INV. NO. \_\_\_\_\_ PART RECLAIMER  
Slide & push

1934.0 lb GR  
88.0 lb TA  
1846.0 lb NT  
Quantity 0  
0.00000000 lbs Unit Weight

SHIP BY HA



Valves & Castings, Inc.

7736 E. SPRINGFIELD, SELMA, CA 93662  
(559) 834-2511

CUSTOMER

*Chemistco*

DATE

*7/12/01*

INV. NO.

PART

*SLAG*

2935.5 lb GR

77.0 lb TA

2858.5 lb NT

Quantity 0

C.00000000 lbs Unit Weight

SHIP BY

*M7*



Valves & Castings, Inc.

7736 E. SPRINGFIELD, SELMA, CA 93662  
(559) 834-2511

CUSTOMER CHENIERCO DATE 7/2/01

INV. NO. \_\_\_\_\_ PART SLAG

2752.0 lb GR  
77.0 lb TA  
2675.0 lb HT  
Quantity 0  
0.00000000 lbs Unit Weight

SHIP BY HL



Valves & Castings, Inc.

7736 E. SPRINGFIELD, SELMA, CA 93662  
(559) 834-2511

CUSTOMER PHENETCO DATE 7/2/01

INV. NO. \_\_\_\_\_ PART SLAG

3339.0 1b GR

104.0 1b TA

3235.0 1b NT

Quantity 0

0.00000000 1bs Unit Weight

SHIP BY \_\_\_\_\_





Valves & Castings, Inc.

7736 E. SPRINGFIELD, SELMA, CA 93662  
(559) 834-2511

CUSTOMER PHENIXCO DATE 7/12/01

INV. NO. \_\_\_\_\_ PART SLING

2800.5 lb GR

67.0 lb TA

2733.5 lb HT

Quantity 0

0.00000000 lbs Unit Weight

SHIP BY UC



Valves & Castings, Inc.

7736 E. SPRINGFIELD, SELMA, CA 93662  
(559) 834-2511

CUSTOMER

Chenierco

DATE

7/2/01

INV. NO.

PART

SLAG

3303.5 lb GR

73.0 lb TA

3220.5 lb NT

Quantity 0

0.00000000 lbs Unit Weight

SHIP BY

HG



Valves & Castings, Inc.

7736 E. SPRINGFIELD, SELMA, CA 93662  
(559) 834-2511

CUSTOMER Alenator DATE 7/12/01

INV. NO. \_\_\_\_\_ PART SLAG

3221.5 1b GR

78.0 1b TA

3145.5 1b NT

Quantity 0

0.00000000 1bs Unit Weight

SHIP BY ply



Valves & Castings, Inc.

7736 E. SPRINGFIELD, SELMA, CA 93662  
(559) 834-2511

CUSTOMER

*W. E. M. CO*

DATE

*7/12/01*

INV. NO.

PART

*CONTAM.*

*GRINDINGS*

2540.5 lb GR

35.6 lb TA

2455.5 lb HT

Quantity 0

0.0000000 lbs Unit Weight

SHIP BY

*H4*



Valves & Castings, Inc.

7736 E. SPRINGFIELD, SELMA, CA 93662  
(559) 834-2511

CUSTOMER

HEMETCO

DATE

7/2/01

INV. NO.

PART

PONTAW

GRINDING S

3020.0 lb GR

93.0 lb TA

2927.0 lb WT

Quantity 0

0.00000000 lbs Unit Weight

SHIP BY

1/4



Valves & Castings, Inc.

7736 E. SPRINGFIELD, SELMA, CA 93662  
(559) 834-2511

CUSTOMER CHENETCO DATE 7/12/01

INV. NO. \_\_\_\_\_ PART SAND SYSTEM  
DVS

1600.5 lb GR

80.5 lb TA

1520.5 lb HT

Quantity 0

0.00000000 lbs Unit Weight

SHIP BY dy



Valves & Castings, Inc.

7736 E. SPRINGFIELD, SELMA, CA 93662  
(559) 834-2511

CUSTOMER HERMETICO DATE 7/12/01

INV. NO. \_\_\_\_\_ PART SAND SYSTEM  
DUST

1941.5 lb GR  
85.0 lb TA  
1856.5 lb NT  
Quantity 0  
0.0000000 lbs Unit Weight

SHIP BY HL



Valves & Castings, Inc.

7736 E. SPRINGFIELD, SELMA, CA 93662  
(559) 834-2511

CUSTOMER Interco DATE 7/2/01

INV. NO. \_\_\_\_\_ PART SAW SYSTEM  
DUST

2058.0 lb GR  
81.0 lb TA  
1977.0 lb HT  
Quantity 0  
0.00000000 lbs Unit Weight

SHIP BY dy









UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901

NOV 2 4 2003

Certified Mail No.7000 0520 0021 6109 1147  
Certified Receipt Requested

Mr. Jeff Showalter  
Plant Engineer/owner  
Fresno Valves & Castings, Inc.  
7736 E. Springfield Avenue  
Selma, California 93662

Re: WARNING LETTER

Dear Mr. Showalter:

On August 18, 2003, a hazardous waste inspection was conducted by representatives of the United States Environmental Protection Agency ("EPA") at Fresno Valves & Casting, Inc. ("Fresno Valves"), located at 7736 E. Springfield Avenue in Selma, California (EPA Identification Number CAD983575705). During the course of this inspection, information was gathered in accordance with Section 3007 of the Resource Conservation and Recovery Act ("RCRA"), as amended [42 U.S.C. 6927]. A copy of the inspection report is enclosed for your information and response.

The report describes conditions at the time of the inspection, and identifies areas of noncompliance with RCRA regulations and the California authorized program under RCRA Subtitle C. Any omission(s) in the report shall not be construed as a determination of compliance with all applicable regulations.

On August 27, 2003, Mr. Leigh Omer, Fresno Valves' foundry manager, sent an e-mail to U.S. EPA with some of the additional information requested during the inspection. However, not all of the information requested during the inspection was submitted.

**Pursuant to Section 3008 of RCRA [42 U.S.C. 6928] you are required to:**

- 1) Submit documentation that the contingency plan includes the location and a physical description of all emergency equipment at the facility and a brief outline of its capabilities, as required by 22 CCR § 66265.52. [Potential Violation #2]**
- 2) Submit documentation that hazardous waste containers in the Environmental**

**Waste Storage Area are properly labeled or marked and closed under 22 California Code of Regulations (CCR) § 66262.34(f) and 22 CCR § 66265.173. [Potential Violation #3]**

- 3) Submit documentation that used oil filters are being properly managed in accordance with 22 CCR § 66266.130, or 22 CCR § 66262.34.**
- 4) Submit documentation that hazardous waste containers in the Flow-Guard Building are properly labeled or marked and closed under 22 CCR § 66262.34(e). [Potential Violation #5]**
- 5) Submit documentation that the Supersacks of baghouse sand fines are labeled or marked as required by HSC 25143.9. [Potential violation #7]**

Your response must include a letter signed by a duly authorized official of your facility, certifying correction of the identified areas of noncompliance. Documentation of your return to compliance may consist of, among other things, photographs, manifests and revised records. Where compliance cannot be achieved within 30 days, you must provide to EPA the reasons for the delay, a description of each corrective action planned and a schedule on which each corrective action will be taken.

By copy of this letter, EPA is providing the State of California with notice of the referenced violations of Subtitle C of RCRA. EPA is also providing the State with notice that EPA may take appropriate enforcement action if the facility does not resolve the violations within the time specified above, and the State does not take appropriate enforcement action. The State of California may notify EPA of its intent to assume or decline responsibility to take such action to resolve the referenced violations.

EPA reserves the right to take further enforcement action as it deems appropriate. However, your response to this letter will be considered in determining the need for further enforcement action. Violations of Subtitle C of RCRA such as those listed in the enclosed report may be punishable by civil and criminal actions, including penalties of up to \$27,500 per day for each violation as provided by Section 3008 of RCRA.

EPA routinely provides copies of investigation reports to state agencies, and upon request, to the public. Such releases are handled according to the Freedom of Information Act regulations (40 CFR Part 2). If you believe this report contains privileged or confidential information, you may make a claim within fourteen (14) calendar days from the date of this letter. EPA will construe your failure to furnish a timely claim as a waiver of the confidentiality claim.

Your response to this Warning Letter, due within 30 calendar days of your receipt of this letter, shall be mailed to:

Ronald Brown  
RCRA Enforcement Office (WST-3)  
Waste Management Division  
U.S. EPA, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105-3901

If you have questions related to the inspection report or this letter, please contact Ronald Brown at (415) 972-3292, or by e-mail at [brown.ron@epa.gov](mailto:brown.ron@epa.gov).

Sincerely,

A handwritten signature in cursive script, reading "Frances Schultz".

Frances Schultz, Manager  
RCRA Enforcement Office (WST-3)

Enclosure

cc: Charles McLaughlin, DTSC, State Regulatory Programs Division with enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

Waste Management Division  
RCRA Enforcement Office

Purpose: RCRA Compliance Evaluation Inspection

Facility Name: Fresno Valves & Castings, Inc.

Facility Location: 7736 E. Springfield Avenue  
Selma, CA 93662

Facility Mailing Address: PO Box 40  
Selma, CA 93662-0040

EPA ID Number: CAD983575705

Date of Investigation: August 18, 2003

EPA Representative(s): Ronald Brown  
(415) 972-3292 (415) 947-3530 fax  
[brown.ron@epa.gov](mailto:brown.ron@epa.gov)

Matt Reed  
(415) 972-3301 (415) 947-3530 fax

DTSC Representative(s): None

CUPA Representative(s): Gustavo Gomez  
Dept. of Community Health, Fresno County  
1221 Fulton Mall, Fresno, CA 93721  
(559) 445-3271 (559) 445-3301 fax  
[ggomez@fresno.ca.gov](mailto:ggomez@fresno.ca.gov)

Kevin Tsuda  
Dept. of Community Health, Fresno County  
(559) 445-3271 (559) 445-3301 fax  
[ktsuda@fresno.ca.gov](mailto:ktsuda@fresno.ca.gov)

Facility Representative(s): Jeff Showalter, Plant Engineer/Owner  
Fresno Valves & Castings, Inc.

J. Leigh Omer, Foundry Manager  
Fresno Valves & Castings, Inc.  
(559) 834-2511 (559) 834-2017 fax  
[leighjo@fresnovalves.com](mailto:leighjo@fresnovalves.com)

Report Prepared By: Ronald Brown

Date of Report: October 24, 2003

## INTRODUCTION

On August 18, 2003, U.S. Environmental Protection Agency (U.S. EPA) inspectors Ron Brown and Matt Reed, accompanied by Fresno County inspectors Gus Gomez and Kevin Tsuda, conducted an unannounced hazardous waste inspection of Fresno Valves & Castings, Inc. ("Fresno Valves" and the "facility"), located at 7736 E. Springfield Avenue, Selma, California.

The purpose of the inspection was to determine the facility's compliance with applicable federal and state hazardous waste statutes and regulations, i.e., the Resource Conservation and Recovery Act (RCRA), as amended; the implementing regulations adopted in the Code of Federal Regulations (CFR), Title 40, Parts 260-266, 268, 270, 273 and 279; the California Health and Safety Code (HSC), Division 20, Chapter 6.5; and the California Code of Regulations (CCR), Title 22, Division 4.5.

Inspectors conducted a physical inspection of the facility and reviewed records related to hazardous waste activities at the facility. Facility representatives met with the inspectors, accompanied them during the physical inspection of the facility, and provided the records requested during the inspection.

## FACILITY BACKGROUND

Fresno Valves & Castings, Inc. was founded in 1952 as Showalter's Irrigation Appliance in Fresno, CA. In 1974, the company built its current facility in Selma, CA and changed its name to Fresno Valves & Castings, Inc. In the last 25 years, Fresno Valves & Castings, Inc. has expanded to include three major divisions and nine offices throughout the United States. Fresno Valves operates a brass foundry at this facility, and contracts out aluminum castings to Kerney Aluminum and iron castings to KP Iron. Fresno Valves' product line includes a variety of water control devices such as valves, fittings, filters, air vents, gates, lifts and low volume sprays. The North American Industry Classification System (NAICS) code for the facility is 332312 (fabricated structural manufacturing).

The facility has five main buildings (**Attachment 1**), and employees about 200 people working one shift, Monday - Friday, with a second, evening shift in the machine shop. A copy of U.S. EPA's Small Business Regulatory Enforcement Fairness Act (SBREFA) Information Sheet was given to Mr. Showalter.

On July 3, 1991, Fresno Valves & Castings, Inc. submitted a Notification of Hazardous Waste Activity, EPA Form 8700-12, for the facility at 7736 E. Springfield Avenue, Selma, California as a generator of less than 1,000 kilograms per month of hazardous wastes. The Notification listed the facility as generating RCRA characteristic hazardous wastes (ignitable - D001 and lead - D008), RCRA listed hazardous wastes (non-halogenated solvents - F005), and non-RCRA hazardous wastes (CA waste code numbers 133, 134, 214, 331, 461, and 591). The facility was assigned U.S. EPA I.D. number CAD983575705.

A review of records during the inspection indicated that, for the first seven months of calendar year 2003, the facility may be generating slightly more than an average of 1,000

kilograms/month of RCRA and non-RCRA hazardous wastes, based on manifests in California's Hazardous Waste Tracking System and additional manifests reviewed during the inspection (**Attachment 2**). Observations during the inspection indicated that the facility does not have RCRA-regulated treatment, storage, or disposal processes on-site.

## INSPECTION

After providing introductions and credentials, the inspectors explained that it was a routine inspection. The inspection consisted of a physical inspection of the areas where hazardous waste is potentially generated and accumulated, a review of records related to hazardous waste activities at the facility, and a post-inspection summary for the facility.

The facility representatives were informed that inspectors would take photographs during the inspection. If the facility representatives considered the object(s) to be photographed as being proprietary or confidential, the inspectors stated that they would make every effort to not include what was considered proprietary or confidential in the photograph. Inspectors stated that the facility could also make a claim of confidentiality within 15 days of the date when the inspection report was issued.

Inspectors and the facility representatives then walked through the facility, focusing on the areas and buildings where hazardous wastes are generated and accumulated at the facility.

### Walk-Through

Inspectors walked through the Machine Shop Building and no potential violations were observed. Aluminum, brass, cast iron, stainless steel and ductile iron parts are machined here to the correct tolerances. The metal shavings are sent to a local scrap metal company and melted into ingots. The oil and water lubricant is sent to Evergreen Environmental Services in Fresno as a non-RCRA hazardous waste.

Hazardous wastes are stored in the Environmental Waste Storage Area (**Attachment 3, Photo 1**):

1. One wooden bin, approx. 3 feet by 3 feet by 2 feet high, held empty and partially filled containers of non-RCRA hazardous waste (waste epoxy resins) from the Flow-Guard Building (**Photos 2 - 4**). The wooden bin had no hazardous waste labeling and was not closed.

2. Two 55-gallon drums of "Drained Used Oil Filters" (**Photos 5 & 6**) were being stored here with an accumulation start date of 4-16-03. These used oil containers do not have to be managed as hazardous waste containers if they are managed pursuant to 22 CCR § 66266.130. It was not determined during the inspection whether the drained used oil filters were being recycled for their metals value as required under 22 CCR § 66266.130(c)(2) in order to retain their exemption from hazardous waste management regulations. The facility should submit information on what is ultimately done with these drained used oil filters to U.S. EPA in response to this inspection report and Warning Letter\*.



The only hazardous wastes observed in the Flow-Guard Building were the epoxy resins (Elasto-Shield Black and Elasto-Shield Converter, see **Attachment 4** for their MSDSs) used in sealing the Flow-Guard filtration units. The two compounds are mixed in a 5-gallon bucket, put into paper tubes and then applied to the interior of the Flow-Guard filtration units to seal the joints (**Attachment 3, Photos 7 & 8**). All waste resins and contaminated containers, rags and debris are managed as non-RCRA hazardous waste by the facility. However, the container used to accumulate contaminated paper tubes, rags and other contaminated debris was not being managed as a hazardous waste container. A hazardous waste container for oily waste at the same work station was being properly managed (**Photo 9**).

Behind the Fabrication Building was one 55-gallon drum of waste acetone and paint (**Photos 10-12**). The drum was 3/4 full of waste paint and acetone. A 5-gallon bucket was balanced over the drum on a wood stick, draining waste paint and acetone into the 55-gallon drum. The drum had a DOT Flammable Liquid label but was not labeled as a hazardous waste drum. By the end of the inspection, the drum had been properly labeled/marked (**Photo 13**).

East of the Foundry Building is a small area used to store products and used oil. At the time of the inspection, one 55-gallon drum of used oil ("old oil") from changing hydraulic oil was not labeled with the words "Used Oil" and the hazardous waste labeling/marketing requirements (**Photo 14**). By the end of the inspection, the drum had been properly labeled/ marked (**Photo 15**).

The brass used by the foundry is composed of 81% copper, 3% tin, 7% lead, and 9% zinc. Sand used to make molds in the casting process is continuously reused and only a dust collected by the building air ventilation systems is sent off-site to a smelter in Canada (Noranda) for use as a flux in the smelting process. A broker (IMET) near Chicago, Illinois exports about 40,000 pounds of the sand fines every six weeks to Noranda for the facility.

The sand reclamation system received a grant of almost \$250,000 from the California Department of Health Services (DOHS) in the early 1990s under the California Hazardous Waste Reduction Grant Program (**Attachment 5**). In 1994 the facility requested that the California Department of Toxic Substances Control (DTSC) concur with the facility's interpretation that the facility's recycling of foundry sands in the sand reclamation system was exempt from hazardous waste laws and regulations and did not need a treatment permit. In a February 17, 1995, letter, DTSC stated that the screening and scrubbing of used sand from the mold and core making operations prior to reusing it in making new molds and cores is potentially eligible for exemption from permit requirements under two provisions of HSC § 25143.2 (**Attachment 6**). DTSC stated, "Pursuant to HSC section 25143.2(c)(2), recycling of a RCRA or non-RCRA hazardous waste does not require a hazardous waste treatment permit if the waste is recycled and reused onsite, if it is reused within 90 days, if all applicable generator requirements are met, and if all other conditions of the exemption are observed. Pursuant to HSC section 25143.2(d)(5), non-RCRA hazardous wastes that are recycled and reused onsite are excluded from classification as a waste, if all conditions of that section are met, and therefore treatment of these materials (or recyclable materials) is also not subject to permit requirements." During the inspection facility representatives stated that scrubbed sand from the reclamation system is no longer sent offsite to a shell sand coater.

Sample results in 1999 indicated that the sand in the reclamation system apparently (the results are given in mg/kg) had metal concentrations near or above hazardous waste levels for cadmium, lead, copper, and zinc (**Attachment 7**). There are separate 1999 analyses for the reclamation system (3), the furnaces (2), and the sand system (2). Sand from the furnaces and sand system is reused in the molding process. However, the sand fines from all three of the baghouses in the reclamation system go to Noranda to be used as a flux in the smelting process. According to facility representatives, hazardous waste manifests are not used to ship the used sand fines off-site.

Under 40 CFR 261.2(e)(1)(ii), the sand fines from the baghouses are not solid wastes when they can be shown to be recycled by being used or reused as effective substitutes for commercial products, e.g., as a flux by a smelter. Under HSC 25143.2(b)(2), materials are not classified as wastes when they can be shown to be recycled by being used or reused as an effective and safe substitute for a commercial product if the material is not being reclaimed and they are managed in accordance with HSC 25143.9. Hazardous waste manifests are not required for the shipment of the baghouse sand fines (22 CCR 66261.6(a)(3)(A)). However, the recyclable material (in this case, the baghouse sand fines) must be managed in accordance with HSC 25143.9 while on-site. All three Supersacks of baghouse sand fines were not labeled or marked in accordance with the hazardous waste labeling/marketing requirements applicable to generators of hazardous waste, except for the containers being labeled or marked as "Excluded Recyclable Material" instead of "Hazardous Wastes" (**Attachment 3, Photos 16 & 17**).

The lab in the Foundry Building has a Non-Residential Wastewater Discharge Permit (Permit #304) from the Selma-Kingsburg-Fowler Sanitation District. The permit has an effective date of 5-17-01 and an expiration date of 5-17-04.

## **Records Review**

Inspectors requested the following records: hazardous waste manifests and land disposal restriction notifications, waste determinations, training records, and contingency plan/business plan/ emergency response information. No violations were observed except in the contingency plan, which had a map of emergency equipment but did not have a list with the capabilities of the emergency equipment.

At the end of the inspection, an exit briefing was held with the facility representatives and U.S. EPA inspectors summarized their preliminary findings.

## **Additional Information**

On August 27, 2003, Mr. Omer, the foundry manager, sent an e-mail to Ronald Brown at U.S. EPA stating that the facility was working on issues raised during the inspection (**Attachment 8**).

## POTENTIAL VIOLATIONS

The following potential violations of the California Health and Safety Code (HSC), Division 20, Chapter 6.5, and the California Code of Regulations (CCR), Title 22, Division 4.5, were observed during the inspection.

### RCRA POTENTIAL VIOLATIONS

1. 22 CCR § 66262.34(f) Generators who accumulate hazardous waste on site without a permit or grant of interim status shall comply with the following requirements:

(1) the date upon which each period of accumulation begins shall be clearly marked and visible for inspection on each container and portable tank;

(2) the date the applicable accumulation period specified in subsection (a) or (d) of this section begins, for purposes of subsections (a) and (b) of this section, shall be clearly marked and visible for inspection on each container and tank; and

(3) each container and tank used for onsite accumulation of hazardous waste shall be labeled or marked clearly with the words, "Hazardous Waste." Additionally, all containers and portable tanks shall be labeled with the following information:

(A) composition and physical state of the wastes;

(B) statement or statements which call attention to the particular hazardous properties of the waste (e.g., flammable, reactive, etc.);

(C) name and address of the person producing the waste.

Potential violation(s): Behind the Fabrication Building was one 55-gallon drum of waste acetone and paint (**Attachment 3, Photos 10-12**). The drum was 3/4 full of waste paint and acetone. The drum had a DOT Flammable Liquid label but was not labeled as a hazardous waste drum. By the end of the inspection, the drum had been properly labeled/marked (**Photo 13**).

2.. 22 CCR § 66265.52 (e) The plan shall include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list shall be kept up to date. In addition, the plan shall include the location and a physical description of each item on the list, and a brief outline of its capabilities.

Potential violation(s): The contingency plan had a map of emergency equipment but did not have a list with the capabilities of the emergency equipment.

### NON-RCRA POTENTIAL VIOLATIONS

3. a. 22 CCR § 66262.34(f) [labeling/markings - see Potential Violation #1 above]

b. 22 CCR § 66265.173(a) A container holding hazardous waste shall always be closed during transfer and storage, except when it is necessary to add or remove waste.

Potential violation(s):

In the Environmental Waste Storage Area, one wooden bin, approx. 3 feet by 3 feet by 2 feet high, held empty and partially filled containers of non-RCRA hazardous waste (waste epoxy resins) from the Flow-Guard Building (**Photos 2 - 4**). The wooden bin had no hazardous waste labeling and was not closed.

4. 22 CCR § 66266.130(c) In accordance with subsection (a) of this section, used oil filters that meet the conditions of subsection (b) of this section and are managed and recycled in compliance with the following requirements shall not be regulated as hazardous waste.

(1) The filters are drained of free-flowing used oil. For the purposes of this subsection, free-flowing is defined as a continuous stream of oil exiting the filter when the filter is inverted. Oil exiting drop by drop is not considered to be free-flowing. However, if the filter is equipped with a device (such as a rubber flap located just inside the filter opening) which impedes the drainage of used oil from the filter, that device shall be manipulated to allow the oil to exit the filter freely, or the filter punctured, crushed, opened, drained, or otherwise handled in a manner that will allow the used oil to exit the filter.

(2) The drained used oil filters are transported for purposes of metal reclamation to any of the following:

- (A) A smelter or other scrap metal processor where they are recycled or;
- (B) A storage facility or consolidation facility that subsequently transfers the filters to a facility described in paragraph (A) or (C) of this subsection or;
- (C) A municipal solid waste incinerator for energy recovery, if the residual casings are subsequently transferred to a facility described in paragraph (A) of this subsection, or to a storage or consolidation facility that subsequently transfers the residual casings to a facility described in paragraph (A) of this subsection.

(3) The drained used oil filters are accumulated, stored, and transferred in a closed, rainproof container that is capable of containing any used oil that may separate from the filters placed inside. Drums of used oil filters shall be sealed during transfer so that used oil will not spill out when they are laid upon their sides. Drums shall be secured as a load to prevent movement or tipping during transfer. Containers shall be labeled as "drained used oil filters" (not as hazardous waste) and show initial date of accumulation or receipt on each container of filters.

(4) Storage of less than one ton of used oil filters shall be limited to one year. Storage of one ton or more of used oil filters is limited to 180 days.

(5) Persons generating, transporting, or receiving used oil filters shall use a bill of lading to record the transfer of used oil filters. Bills of lading must indicate generator, transporter, and receiving company names, addresses, telephone numbers, the quantity and size of used oil filter containers transferred, and the date of transfer. A copy of each bill of lading must be kept on the premises of the generator, transporter, and receiving facility where the used oil filters were handled. Copies of bills of lading shall be kept for a period of three years.

(6) Used oil which incidentally accumulates in a container used to store and/or transfer used oil filters shall not be subject to the requirements of Article 13, Chapter 6.5, Division 20, Health and Safety Code (HSC) until after the filters have been removed from the container so long as applicable requirements of this section are met. Used oil that is separated from the used oil filters during draining procedures, as required in paragraph (1) of subsection (c) of this section, shall be managed in accordance with Article 13 (HSC).

Potential violation(s):

In the Environmental Waste Storage Area, two 55-gallon drums of "Drained Used Oil Filters" (**Photos 5 & 6**) were being stored with an accumulation start date of 4-16-03. These used oil containers do not have to be managed as hazardous waste containers if they are managed pursuant to 22 CCR § 66266.130. It was not determined during the inspection whether the drained used oil filters were being recycled for their metals value as required under 22 CCR § 66266.130(c)(2) to retain their exemption from hazardous waste management regulations. The facility should submit this information to U.S. EPA in response to this inspection report and Warning Letter, or managed them as hazardous waste.

5. 22 CCR § 66262.34(e)

(1) A generator may accumulate as much as 55 gallons of hazardous waste, one quart of acutely hazardous waste (listed in section 66261.33(e)) or one quart of extremely hazardous waste at or near any point of generation, without a permit or grant of interim status, without complying with subsections (a), (b) and (c) of this section, if all of the following requirements are met with respect to this waste:

(A) the waste is accumulated in containers, other than tanks, at the initial accumulation point which is at or near the area where the waste is generated and which is under the control of the operator of the process generating the waste;

(B) the generator does not hold the waste onsite for more than one year from the initial date of accumulation, or for longer than the applicable accumulation period specified in subdivision (a) or (d), whichever occurs first. For purposes of this subdivision, the applicable accumulation period specified in subdivision (a) or (d) shall start on the date the quantity limitation specified in paragraph 1 of subsection (e) of this section is reached;

(C) the initial date of waste accumulation is clearly marked and visible for inspection on each container used for accumulation of hazardous waste;

(D) the generator complies with sections 66265.171, 66265.172, and 66265.173(a) of this division; and

(E) the generator complies with subsections (e)(2), (e)(3) and (f)(3) of this section.

(2) Except as provided in subsections (e)(2)(A) and (e)(2)(B) of this section, a process or group of processes meeting the requirements of subsection (e)(1) of this section, shall be subject to a single 55 gallon or one quart accumulation limit for that process or group of processes.

(A) If not all of the wastestreams generated by a single process or group of processes located within the same physical area are compatible, a separate 55 gallon or one quart limit shall apply to each group of wastestreams that are compatible.

(B) If the generator determines that using only one 55-gallon or one-quart container to initially accumulate specific compatible wastestreams is not practical (e.g., prevents recycling or requires unreasonable accumulation procedures) or safe from an environmental or worker/public health and safety standpoint, the generator may use a separate 55-gallon or one-quart container for those specific compatible wastestreams. The generator's determination shall be subject to review and approval by the Department at any time.

(3) A generator who has accumulated an amount of hazardous waste, acutely hazardous waste or extremely hazardous waste equal to any applicable quantity limitation listed in subsection (e)(1) of this section at or near any point of generation shall, with respect to that

7. HSC 25143.9 A recyclable material shall not be excluded from classification as a waste pursuant to subdivision (b) or (d) of Section 25143.2, unless all of the following requirements are met:

(a) If the material is held in a container or tank, the container or tank is labeled, marked, and placarded in accordance with the department's hazardous waste labeling, marking, and placarding requirements which are applicable to generators, except that the container or tank shall be labeled or marked clearly with the words "Excluded Recyclable Material" instead of the words "Hazardous Waste," and manifest document numbers are not applicable. If the material is used oil, the containers, aboveground tanks, and fill pipes used to transfer oil into underground storage tanks shall also be labeled or clearly marked with the words "Used Oil".

Potential violation(s): All three Supersacks of baghouse sand fines were not labeled or marked in accordance with the hazardous waste labeling/marketing requirements applicable to generators of hazardous waste, except for the containers being labeled or marked as "Excluded Recyclable Material" instead of "Hazardous Wastes" (Attachment 3, Photos 16 & 17).

#### ATTACHMENTS

1. Facility diagram
2. Printout from DTSC's Hazardous Waste Tracking System of Fresno Valves manifests with handwritten notes of manifests reviewed during the inspection.
3. Photographs
4. Material Safety Data Sheets for Elasto-Shield Black and Elasto-Shield Converter Aug. 27, 2003 e-mail from Leigh Omer, foundry manager at Fresno Valves, to Ronald Brown, US EPA
5. April 13, 1990, letter from the California Department of Health Services (DOHS) on the selection of Fresno Valves' thermal reclamation system for the California Hazardous Waste Reduction Grant Program
6. Feb. 17, 1995 letter, from DTSC on Fresno Valves' recycling of foundry sands
7. 1999 lab results for foundry sands at various points in the sand reclamation system
8. Aug. 27, 2003 e-mail from Leigh Omer, foundry manager, to Ronald Brown, U.S. EPA



















**Fresno Valves & Castings, Inc.**

7736 East Springfield Ave  
P.O. Box 40 Selma, CA 93662-0040  
(559) 834-2511 Fax (559) 834-2017  
www.fresnovalves.com



Valves & Castings, Inc.

**TRADE SECRETS**

June 27, 2008

Erin J. Rednour, Remedial Project Manager  
Illinois Environmental Protection Agency  
Bureau of Land  
Division of Remediation Management  
Mailcode 24  
Post Office Box 19276  
Springfield, Illinois 62794-9276

Techlaw  
Attn: Ann Anderson  
205 West Wacker Drive, Suite 1622  
Chicago, Illinois 60606

**TRADE SECRETS CLAIMED**

ALL ANSWERS EXCEPT 3, 4(d), 4(e), 4(f), 5 & 6  
ALL TAB CONTENTS EXCEPT TABS 4, 5, 6 &  
14 (PARTIAL, AS STAMPED)

RE: Request for Information Letter dated February 22, 2008  
Site: 1198010003 – Madison County  
Chemetco Site  
ILD 048 843 809  
Hartford/Madison County  
Superfund/Technical Reports

This letter is the Response of Fresno Valves & Castings, Inc. ("the Company" or "Fresno Valves") to the Information Request letter we received, dated February 22, 2008, from Mr. Clarence L. Smith, Manager, Federal Site Remediation Section, of the Illinois EPA Bureau of Land. The Information Request asserts Illinois EPA authority under CERCLA, Section 104(e) and Section 4(e) of the Illinois Environmental Protection Act. The Information Request asserts that although the Illinois EPA seeks our cooperation, "compliance with the Information Request is required by law."

*Claim of Business Confidentiality.* Pursuant to Illinois and federal law, please be advised that most of the information furnished in our Answers and in the Binder is confidential information and a trade secret, because it reveals or could reveal to competitors or potential competitors how our production process works and contains confidential financial information. A formal Claim Letter is being simultaneously submitted under 35 IAC Section 130 200(b). All Answers claimed confidential contain

Erin J. Rednour, Remedial Project Manager  
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information that is or may disclose trade secret and confidential financial and other sensitive information that the Company would not disclose to others.

*Preliminary Statement* As a preliminary statement, please be advised that it is the Company's firm belief that it never sent waste to or arranged for disposal of hazardous substances at the Chemetco Site. All materials shipped to Chemetco were raw materials or process chemicals for Chemetco Inc. that Chemetco Inc solicited and purchased from the Company FOB our California facility, for fair value paid. These were useful by-products of our own production, which we are entitled to treat as useful products for sale in commerce. The Company is and has been continuously conscious of its obligations respecting environmental law. It intended only a sale, and took active steps and exercised due diligence to be sure that the actual process need represented to it by Chemetco was real and that use as a process chemical by Chemetco did in fact occur with the materials sold to Chemetco. We therefore believe and will vigorously assert that we have no CERCLA or RCRA or similar state law liability for the Chemetco site. Cf. *A & W Smelter & Refiners v. Clinton*, 146 F.3d 1107, 1112 (9<sup>th</sup> Cir. 1998); *Edward Hines Lumber Co v. Vulcan Materials Co.*, 685 F. Supp. 651 (ND, IL 1998) (affirmed on other grounds).

*Objections and Reservation of Rights.* The Company has made diligent efforts to comply with the Information Request. The Company sets forth the following general objections to the Information Request to preserve its rights. In addition, The Company reserves the right to supplement its response if additional information becomes available or if the Company learns that any portion of the information submitted is incorrect.

1. The Company objects to the Information Request to the extent that the information requested does not reasonably relate to: (i) the identification, nature, or quantity of materials which have been generated, treated, stored, disposed of at, or transported to, the Site; (ii) the nature or extent of a release or threatened release from the Site; or (iii) ability to pay for or perform a cleanup. To this extent, the questions exceed the authority granted to U.S. EPA under Section 104(e) of CERCLA. Likewise, to the extent that the Information Request does not relate to hazardous waste, it exceeds the authority granted under Section 3007 of RCRA.

2. The Company objects to the Information Request to the extent that the instructions, definitions, and questions contained therein, both individually and collectively, are arbitrary and capricious, unduly burdensome, overbroad, vague, unreasonable, and/or an abuse of discretion. See, e.g., *U.S. v. Morton Salt Co.*, 338 U.S. 632, 652 (1950); *Dow Chemical Co. v. Allen*, 672 F.2d 1262 (7<sup>th</sup> Cir 1982). In particular, and without limitation, Question 4 which calls for us to describe and transmit everything and every document we looked at in formulating our Response is unreasonable and unduly burdensome.



Erin J. Rednour, Remedial Project Manager  
Response to Request for Information Letter dated February 22, 2008  
June 27, 2008

3. The Company objects to the Information Request to the extent that it encompasses information that is not relevant to the Chemetco Site, See, e.g., U.S. v. Lehman, 887 F.2d 1328, 1336 (7th Cir 1989).

4. The Company objects to Instruction Number 5, which requires the Company to supplement its responses to the Information Request. U.S. EPA lacks statutory authority under CERCLA and RCRA to require ongoing supplementation of its Information Requests.

5. The Company objects to the Instructions to the extent they require the Company to respond with information or documents in the possession of its attorneys that is protected by the attorney-client privilege, the work-product doctrine, or other privileges pursuant to the Federal Rules of Civil Procedure or Illinois law. Neither the Environmental Protection Act, CERCLA nor RCRA requires a party to divulge such information in response to Information Requests. The Company reserves its right to assert these privileges if necessary.

6. The Company objects to Instruction Number 3 to the extent that it requires the Company to interview former employees. Such a request is unreasonable, unduly burdensome, and overbroad. A corporation is not generally required to supply information solely within the personal knowledge of former employees, United States v. Ciba Corp., 16 Fed. R. Serv. 2d 95, 96 (D.N.J. 1971), unless such former employees were current employees at the time of commencement of the action, General Dynamics Corp. v. Seib Manufacturing Co., 481 F.2d 1204, 1210 (8th Cir. 1973), cert. denied, 414 U.S. 1162 (1974).

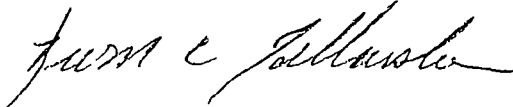
7. The Company does not do business in Illinois, nor were any transactions with Chemetco that it entered in to conducted or completed elsewhere than California. The Company objects to and reserves the right to contest assertion of jurisdiction over it by the Illinois EPA under the Illinois Environmental Protection Act or otherwise under Illinois law. With respect to the assertion of CERCLA jurisdiction under Section 104, the Company is taking your Agency at its attorney's word that it is duly authorized so to act for this Site, but reserves the right to demand strict proof thereof.

*General Instruction Regarding Contact with Our Company* Please be advised that we are represented by counsel. To communicate with us and arrange for any needed further information that involves the Company or its present employees, please communicate only through our counsel: Mr. Harvey M. Sheldon, Hinshaw & Culbertson LLP, 222 North LaSalle Street, Chicago, Illinois 60601. Mr. Sheldon's contact information is: Telephone 312-704-3504, Fax 312-704-3001, and E-mail: hsheldon@hinshawlaw.com.

Erin J. Rednour, Remedial Project Manager  
Response to Request for Information Letter dated February 22, 2008  
June 27, 2008

Please advise our counsel should you need further information from our Company. We shall endeavor to provide answers as appropriate

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin C. Follansbee", written in a cursive style.

Kevin C Follansbee  
Chief Financial Officer

Cc: Harvey M. Sheldon, Esq.

Enclosures as stated.

Erin J. Rednour, Remedial Project Manager  
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**ANSWERS OF FRESNO VALVES & CASTINGS, INC.**

Attachment B to the Information Request included a list of questions for which we are providing the following responses. The numbered responses provided below correlate to the numbered questions contained in Attachment B to the February 22, 2008 letter, a copy of which is attached hereto for reference.

1. Name: Kevin Follansbee  
Business Address: 7736 E. Springfield, PO Box 40, Selma, California, 93662  
Business Phone Number: 559-834-2511  
Personal Address: \*\*\*  
Personal Phone Number: \*\*\*  
Present Job Title: Chief Financial Officer  
Present Employer: Fresno Valves & Castings, Inc.

2. Name: \*\*\*  
Business Address: 7736 E. Springfield, PO Box 40, Selma, California, 93662  
Business Phone Number: 559-834-2511  
Personal Address: \*\*\*  
Personal Phone Number: \*\*\*  
Present Job Title: Foundry Manager  
Present Employer: Fresno Valves & Castings, Inc.

Name: \*\*\*  
Business Address: 7736 E. Springfield, PO Box 40, Selma, California, 93662  
Business Phone Number: 559-834-2511  
Personal Address: \*\*\*\*  
Personal Phone Number: \*\*\*  
Present Job Title: Controller  
Present Employer: Fresno Valves & Castings, Inc.

Name: Jeffrey Showalter  
Business Address: 7736 E. Springfield, PO Box 40, Selma, California, 93662  
Business Phone Number: 559-834-2511  
Personal Address: \*\*\*  
Personal Phone Number: \*\*\*  
Present Job Title: President  
Present Employer: Fresno Valves & Castings, Inc.

3. Fresno Valves has no parent corporation. Fresno Valves has one wholly-owned subsidiary, Pierce Fittings, Inc., an Oregon corporation, located in Eugene, Oregon having the FEIN 91-1764804

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4. Types of documents consulted, examined or referred to in preparation of our responses to the questions listed in Attachment B are:

- a. \*\*\* records. Examples are at Binder Tab 1.
- b. Documents \*\*\*. For examples See Binder Tab 2.
- c. \*\*\*. For examples See Binder Tab 3.
- d. Business cards of Chemetco personnel or other individuals who may have knowledge about the materials supplied by Fresno Valves & Castings to Chemetco. See Binder Tab 4.
- e. Letter dated October 1, 2002, From Fresno Valves & Castings to Laura Grandy of Mathis, Marifian, Richter & Grandy, Ltd. regarding shipments of products sold by Fresno Valves & Castings to Chemetco during the time period shortly before Chemetco filed for bankruptcy protection. See Binder Tab 5.
- f. November 24, 2003 letter from the United States Environmental Protection Agency to Fresno Valves & Castings, Inc. regarding the US EPA's August 2003 inspection. See Binder Tab 6.
- g. Schedule \*\*\*. Attached to the summary schedule is \*\*\*. See Binder Tab 7.
  1. \*\*\*. See Binder Tab 8.
  2. \*\*\*. See Binder Tab 9.
  3. \*\*\*. See Binder Tab 10.
  4. \*\*\* See Binder Tab 11.
  5. \*\*\*. See Binder Tab 7.
  6. \*\*\*\*. See Binder Tab 8.
  7. \*\*\*\*. See Binder Tab 9.
  8. \*\*\*\*. See Binder Tab 10.
  9. \*\*\*\*. See Binder Tab 11.
  10. \*\*\*\*. See Binder Tab 12.
  11. \*\*\*\*. See Binder Tab 13

5. Based on a review of business cards, the following persons may be able to provide additional information relative to the materials sold by Fresno Valves & Castings to Chemetco:

- a. Duane McVey, formerly a senior buyer for Chemetco. We have no current contact information for this individual

Erin J. Rednour, Remedial Project Manager  
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- b. Dennis Meyer, formerly a buyer for Chemetco. It is our understanding that Dennis Meyer is currently employed by Totall Metal Recycling. The address of Totall Metal Recycling is 2684 Missouri Avenue, Granite City, Illinois, 62040. Mr. Meyer's phone number is 618-877-0585 (extension 225) and his fax number is 618-877-0591.
  - c. Peter A. Boden, formerly of Chemetco. We have no current contact information for this individual.
  - d. Janice Birge, at one time a Market Manager for Concorde Trading Company, a buyer of non-ferrous scrap materials, whose address was 34 N. 45<sup>th</sup> Avenue, Suite E & F, Phoenix, Arizona, 85043 and whose phone numbers were 800-368-2673 and 602-272-8088.
  - e. Ronald Brown, Environmental Protection Agency Enforcement Officer who conducted an on site review of Fresno Valves & Castings material handling practices, policies and procedures. Mr. Brown's address was Waste Management Division, USEPA Region 9, 75 Hawthorne Street, San Francisco, CA, 94105-3901 and his phone number was 415-972-3292.
6. Fresno Valves & Castings operates a non-ferrous brass foundry in Selma, California. In connection with the foundry operations, certain by-products were generated which were then sold to Chemetco. All such materials, including but not limited to slag, silica sand, grinding dust, and wheelabrator sand were sold to Chemetco on terms that included delivery to Chemetco FOB, in Selma, California.
7. \*\*\*\*\*.
8. \*\*\*\*\*.
9. \*\*\*\*\*.
10. As explained in the Preliminary Statement in our cover letter, the sale for fair value to a purchaser of materials to be used as process chemicals by the purchaser is lawful and not subject to CERCLA or RCRA liability. \*\*\*\*\*.
11. \*\*\*\*\*.
12. \*\*\*\*\*.
13. \*\*\*\*\*.
14. \*\*\*\*\*.
15. \*\*\*\*\*.

16. \*\*\*.

17. Fresno Valves & Castings' USEPA (and State) I.D. number is CAD983575705.  
\*\*\*.

18. \*\*\*;

19. \*\*\*.

20. \*\*\*\*.

21. \*\*\*.

22. \*\*\*

23. \*\*\*

24. \*\*\*

25. \*\*\*\*

26. \*\*\*\*

27. \*\*\*\*

28. \*\*\*\*

29. \*\*\*\*

30. \*\*\*\*

31. \*\*\*

32. \*\*\*

33. \*\*\*

34. \*\*\*

35. \*\*\*\*

Erin J. Rednour, Remedial Project Manager  
Response to Request for Information Letter dated February 22, 2008  
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36. \*\*\*

37. \*\*\*

38. \*\*\*\*

39. \*\*\*

40. \*\*\*

41. \*\*\*\*

Attachment B  
Questions

1. Identify the person(s) answering this Information Request on behalf of the Respondent.
2. Identify all person(s) consulted in the preparation of the answers to these questions
3. Identify the parent corporation and all subsidiaries of the Respondent.
4. Identify all documents consulted, examined, or referred to in the preparation of the answers to these questions, and provide copies of all such documents.
5. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question or who may be able to provide additional responsive documents, identify such persons. Provide the current or most recent known address and telephone number of each individual identified.
6. Describe your company's business activities which resulted in sending material to the Chemetco Site.
7. Identify all persons having knowledge or information about the generation, transportation to, treatment, disposal, or other handling of hazardous substances (including materials containing lead, cadmium, boron, copper, iron, manganese, mercury, nickel, selenium, sulfate, zinc or other heavy metals), by you, your contractors, subcontractors or by prior owners and/operators which relates or may relate to the Chemetco Site, including but not limited to persons who arranged for disposal of or transported hazardous substances to the Chemetco Site.
8. Describe your policies and procedures for the handling, treatment, storage and/or disposal of hazardous substances encountered in the course of your activities at the Site. Provide copies of records relating to this policy as well as to its implementation.
9. Identify all individuals who currently have, or who previously had, responsibility for your company's environmental matters (e.g., responsibility for the disposal, treatment, storage, recycling, or sale of your company's wastes, scrap materials and/or recyclable materials). For each, indicate the dates of the individual's employment and the nature of the individual's duties and responsibilities, and a description of the type of environmental information that the individual would possess.
10. Provide all information in your possession that shows that you were in compliance with applicable federal environmental regulations or standards regarding the recycling of materials, particularly Section 127 of CERCLA, 42 U.S.C. 9627, sent to the Chemetco Site.
11. Was any shipment of material sent to the Chemetco Site ever refused and/or returned? If so, describe this event in detail, including its cause and outcome.



12. Was any material shipment sent to the Chemetco Site ever subject of a change in payment terms because of increase of handling costs or any problem with the material sent to the Site? If so, describe this event in detail, including its cause and outcome.
13. Provide copies of the Material Data Safety Sheets for any materials disposed of or shipped to or stored at the Chemetco Site.
14. Have you ever received a formal Information Request [similar to this one] from local, state or federal government concerning the recycling of materials at other scrap yards? Provide a copy of the Request and your response.
15. Specify whether your company was ever the subject of legal action by any party, including the government, by virtue of your transportation of hazardous substances or other waste materials to the Site. If so, describe in detail and provide any records associated with such legal action.
16. Identify all liability insurance policies held by Respondent from the period you transported materials or other waste materials to the Site. In identifying such policies, state the name and address of each insurer and of the insured, the amount of coverage under each policy, the commencement and expiration date for each policy, whether or not the policy contains a "pollution exclusion" clause, and whether the policy covers or excludes sudden, non-sudden, or both types of accidents. Provide complete copies of all relevant insurance policies.
17. List all USEPA, RCRA and State of Illinois Identification Number(s) of your company.
18. Identify all transactions or agreements for disposal in which your company disposed of, arranged for the disposal or treatment of, transported, or arranged for the transportation of any material or item, scrap materials, waste materials to the Site (including but not limited to drosses, slags, sludges, powders, or combustible materials). In addition:
  - (a) Identify whether the materials were sent pursuant to a contractual arrangement and, if so, describe the terms of that arrangement.
  - (b) Identify whether the materials were delivered directly to the Chemetco site or were trans-shipped there from another intermediate delivery point. If applicable, describe each such delivery point.
  - (c) Identify the persons involved in sending such material to the Site.

- (d) State the dates on which each such persons may have transported or delivered for transport such material.
  - (e) Describe the source of or the process that produced the materials.
  - (f) Describe the materials or items, including type of material, chemical content, physical state, quantity by volume and weight, and other characteristics.
  - (g) Describe the nature, including the chemical content, characteristics, physical state (e.g., solid, liquid) and quantity (volume and weight) of all hazardous substances involved in each such arrangement.
  - (h) State whether any of the material was ever tested by your company and if so, whether the hazardous substances exhibited any of the characteristics of a hazardous waste identified in 35 Illinois Administrative Code 721, Subpart C or 40 C.F.R. 261, Subpart C.
  - (i) Describe what was done to materials once they were brought to the Chemetco Site, including any further processing of the materials.
  - (j) Describe as precisely as possible any and all of the locations at which each hazardous material involved in such transactions actually was disposed or treated.
  - (k) Describe any measures taken by the Respondent prior to or during each arrangement to determine the compliance history of the Site where the treatment of disposal would actually take place.
19. Describe in general detail the types of material that your company arranged for the transportation of or transported for recycling at Chemetco. In your response, please provide answers to the following questions:
- (a) Give the generic name of each type of materials shipped to Chemetco (e.g., scrap metal, batteries, scrap paper, scrap plastic, scrap textile (scrap material), scrap electronic equipment, etc.).
  - (b) Specify the quantity (volume and weight) of materials your company sent to Chemetco for recycling on a year by year basis.
20. Provide any additional information and all documents that you believe relate to the type, nature and characteristics of the materials your company sent to the Chemetco Site.

Questions and Requests for Documents Related to Scrap Metal

21. For the following questions which relate to transactions involving scrap metals, provide the requested information, and also provide copies of any documents that contain any information that is related to the response:
- (a) List the years in which your company sent scrap metal to Chemetco and/or broker for recycling. In this list state the type and approximate quantity, volume and weight of scrap metal sent for each year.
  - (b) Did a market exist for the scrap metal listed in your response to 21 (a) above? If so, describe the nature of such a market at the time of the transaction (possible uses, possible consumers, etc.) and the source of that commercial specification grade (e.g., Institute of Scrap Recycling Industries, Inc. (ISRI), Department of Defense, or wherever your company would find the grade published).
  - (c) What commercial specification grade did the scrap metal listed in your response to question 21(a) meet? Identify/list the commercial specification grades that each scrap metal identified in 21(a) met.
  - (d) At the time of the transaction(s) what was the intended disposition of the scrap metal listed in your response to question 21(a)? Did this include burning as fuel, or for energy recovery, or incineration?
  - (e) After sale, transfer, delivery, or disposal, what portion of the scrap metal listed in your response to question 21(a) was to be made available for use as a feedstock for manufacturing of new saleable products? Explain how the portion identified in this answer was derived or calculated.
  - (f) Could the scrap metal listed in your response to question 21(a) have been used as a replacement or substitute for a virgin raw material? If so, provide details.
  - (g) Could any products made from the scrap metal listed in your response to question 21(a) have been used as a replacement or substitute for a product made, in whole or in part, from a virgin raw material? If so, provide details.
  - (h) Did your company melt the scrap metal listed in your response to question 21(a) before it was transported/delivered to the Site? If yes, describe the process used for melting the scrap metal. In addition, explain whether Chemetco ever received for processing "dross" or "skimmings" or "sludges" at the Site.

- (i) Was the transaction between your company and Chemetco: 1) an outright sale; 2) subject to a written or verbal "tolling" agreement between the companies; or 3) reflected the "banking" of the transacted material in a metal account at the request of your company for return or other disposition at a later date?
  - (j) Describe the source of or the process that produced the materials.
- 22. Did any of the scrap material sent to Chemetco contain other material(s) incident to or adhering to the scrap? If so, describe in detail.
  - 23. Did any of the material sent to Chemetco contain wire or wiring? If so, was the wire's insulation first stripped before being shipped to or accepted at Chemetco, after being received at the Site, or was the wire not stripped?
  - 24. Did the material shipped include drums or shipping containers? If so, specify the generators of the drums or shipping containers, the capacity of such drums or containers and whether such containers ever contained liquid of any sort. If so, specify the type of liquid and whether such liquids contained wastes of any kind.
  - 25. Describe all efforts (i.e., site visits) taken by your company to determine what would be done with the scrap metal identified in your response to question 21(a).
  - 26. What steps (e.g., internal procedures, federal, state, and local compliance inquiries) were taken by your company to ensure that Chemetco was in compliance with applicable Federal, State, or local environmental regulations or standards, and any amendments, with respect to scrap metal?
  - 27. Describe the efforts your company undertook with respect to the management and handling of the scrap metal listed in your response to question 21(a), including the extent to which you complied with customary industry practices current at the time of the transaction designed to minimize contamination of the Site and/or releases of hazardous substances at the Site.
  - 28. Provide all information in your possession that shows that your company was in compliance with applicable Federal, State, and local environmental regulations or standards regarding the storage, transport, management, or other activities associated with the recycling of scrap metal listed in your response to question 21(a).

Questions and Request for Documents Related to Batteries

29. For the following questions which relate to transactions involving batteries (lead-acid batteries, nickel-cadmium batteries, reject batteries, lithium, and other spent batteries), provide the requested information, and also provide copies of any documents that contain any information that is related to the response:
- (a) Provide an estimate of all shipments of whole batteries sent to the Site on an annual basis. In this list, provide an approximation of number of batteries, type of battery (e.g., lead-acid, nickel-cadmium, lithium, reject, or other) and quantity sent.
  - (b) What commercial specification grade did the batteries listed in your response to question 29(a) meet? Identify/list the commercial specification grades that each type of battery identified in question 29(a) met.
  - (c) Did a market exist for the batteries listed in your response to question 29(a)? If so, describe the nature of such market at the time of the transaction (possible uses, possible consumers, etc.) and the source of that commercial specification grade (e.g., Institute of Scrap Recycling Industries, Inc. (ISRI), Department of Defense, or wherever your company would find the grade published).
  - (d) At the time of the transaction, what was the intended disposition of the batteries listed in your response to question 29(a)?
  - (e) What portion of the batteries listed in your response to question 29(a) were to be made available for use as a feedstock for manufacturing new saleable products? Explain how the portion identified in this answer was derived or calculated.
  - (f) Could the batteries listed in your response to question 29(a) have been used as a replacement or substitute for a virgin raw material? If so, provide details.
  - (g) Could any products to be made from the batteries listed in your response to question 29(a) have been used as a replacement or substitute for a product made, in whole or in part, from a virgin raw material? If so, provide details.
  - (h) Was the transaction between your company and Chemetco: 1) an outright sale; 2) subject to a written or verbal "tolling" agreement between the companies; or 3) reflected the "banking" of the transacted material in a metal account at the request of your company for return or other disposition at a later date.

- (i) What, if any, components of the whole batteries listed in your response to question 29(a) were removed before transport to the Site? Describe what was removed, and where such removal occurred. Include in your description any attempt to remove any hazardous substances (e.g., battery paste/mud, battery acid) from the components.
  - (j) Were the components of the whole batteries removed once delivered to the Chemetco Site? Describe the method used to recover the components. Include in your description any attempt to remove any hazardous substances (e.g., battery paste/mud, battery acid) from the components.
  - (k) Describe the source of or the process that produced the materials.
30. Describe all efforts (i.e., site visits) taken by your company to determine what would be done with the batteries identified in your response to question 29(a).
31. What steps (e.g., internal procedures, federal, state, and local compliance inquiries) were taken by your company to ensure that Chemetco was in compliance with applicable Federal, State, or Local environmental regulations or standards, and any amendments with respect to batteries?
32. Describe the efforts your company undertook with respect to the management and handling of the batteries listed in your response to question 29(a), including the extent to which you complied with customary industry practices current at the time of the transaction, designed to minimize contamination of the Site and/or releases of hazardous substances at the Chemetco Site.
33. Provide all information in your possession that shows that you were in compliance with applicable Federal environmental regulations or standards regarding the storage, transport, management, or other activities associated with the recycling of batteries listed in your response to question 29(a).
34. For the following questions which relate to transactions involving scrap paper, plastic, glass, textiles or rubber (scrap material), provide requested information, and also provide copies of any documents that contain any information that is related to the response:
- (a) Provide an estimate of all shipments of scrap paper, plastic, glass, textile or rubber your company sent to Chemetco on an annual basis. In this list, include the type and an estimate of the quantity, volume and weight of scrap material sent to the Site each year.

- (b) What commercial specification grade did the scrap material listed in your response to question 36(a) meet? List/identify the commercial specification grades that each scrap material identified in 36(a) met.
  - (c) Did a market exist for the scrap materials listed in your response to question 34(a) above? If so, describe the nature of such market at the time of the transaction (possible uses, possible consumers, etc.) and the source of that commercial specification grade (e.g., Institute of Scrap Recycling Industries, Inc. (ISRI), Department of Defense, or wherever your company would find the grade published).
  - (d) At the time of the transaction(s), what was the intended disposition of the scrap material listed in your response to question 34(a)? Did the intended disposition include burning as a fuel, or for energy recovery or incineration?
  - (e) After sale, transfer, delivery, or disposal, what portion of the scrap material listed in your response to question 36(a) was to be made available for use as a feedstock for manufacturing of new saleable products? Explain how the portion identified in this answer was derived or calculated.
  - (f) Could the scrap material listed in your response to question 34(a) have been used as a replacement or substitute for a virgin raw material? If so, provide details.
  - (g) Could any products to be made from the scrap material listed in your response to question 34(a) have been used as a replacement or substitute for a product made, in whole or in part, from a virgin raw material? If so, provide details.
  - (h) Describe the source of or the process that produced the materials.
35. Describe all efforts (i.e., site visits) taken by your company to determine what would be done with the scrap material identified in your response to question 34(a).
36. What steps (e.g., internal procedures, federal, state, and local compliance inquiries) were taken by your company to ensure that Chemetco was in compliance with applicable Federal, State, or Local environmental regulations or standards, and any amendments with respect to scrap material?
37. Describe the efforts of your company undertook with respect to the management and handling of the scrap material listed in your response to question 34(a), including the extent to which you complied with customary industry practices current at the time of the

transaction designed to minimize contamination of the Site and/or releases of hazardous substances at the Site.

38. Provide all information in your possession that shows that you were in compliance with applicable Federal environmental regulations or standards regarding the storage, transport, management, or other activities associated with the recycling of scrap material listed in your response to question 34(a).

Questions and Request for Documents Related to Electrical and Electronic Equipment

39. For the following questions which relate to transactions involving electrical and electronic equipment (e.g., transformers, capacitors, white goods, computers or other electrical equipment), provide the requested information, and also provide copies of any documents that contain any information that is related to the response:
- (a) List an estimated number of shipments of electrical and electronic equipment your company sent to Chemetco on an annual basis. In this list, include the following:
    - i the type and quantity, volume and weight of electrical and electronic equipment sent;
    - ii. the amount paid or collected in connection with the transaction for each category of electrical and electronic equipment and the method of payment.
  - (b) At the time of the transaction(s), what was the intended disposition of the electrical and electronic equipment listed in your response to question 39(a)? Did the intended disposition include burning as fuel or for energy recovery or incineration?
  - (c) Describe the source of or the process that produced the materials.
40. Describe all efforts (i.e., site visits) taken by your company to determine what would be done with the electrical and electronic equipment identified in your response to question 39(a).
41. What steps (e.g., internal procedures, federal, state, and local compliance inquiries) were taken by your company to ensure that Chemetco was in compliance with applicable Federal, State, or Local environmental regulations or standards, and any amendments with respect to electrical and electronic equipment?



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42. Describe the efforts your company undertook with respect to the management and handling of the electrical and electronic equipment listed in your response to question 39(a), including the extent to which your company complied with customary industry practices current at the time of the transaction designed to minimize contamination of the Site and/or releases of hazardous substances at the Site.
43. Provide all information in your possession that shows that you were in compliance with applicable Federal environmental regulations or standards regarding the storage, transport, management, or other activities associated with the recycling of the electrical and electronic equipment listed in your response to question 39(a).